

**NEBRASKA COMMUNITY CORRECTIONS COUNCIL**  
**DRAFT ADMINISTRATIVE OPERATIONS POLICY**

**ARTICLE I Authority**

The Community Corrections Council was established statutorily by the Nebraska Legislature in 2003 via the adoption of the Community Corrections Act (LB 46, 2003, as amended). Throughout this document the term “Council” refers to the Community Corrections Council.

**ARTICLE II Purpose**

**A. Mission**

The mission of the Community Corrections Council as set forth in the legislative intent of the Community Corrections Act is to provide for the development and establishment of community corrections programs across the state, encourage the use of such programs as alternatives to incarceration with the objective of reducing prison overcrowding, and serve the interests of society by reducing recidivism through effective treatment and supervision of offenders in the community. Neb. Rev. Stat. § 47-620, and §47-622.

**B. Mandate**

The Council’s primary mandate is the development and implementation of a plan for statewide use of, and standards for, community correctional facilities and programs. To carry out this mandate the Council, in collaboration with the Offices of Probation and Parole administration, is tasked with studying and recommending improvements to existing community based programs and services for offenders. The Council is also charged with developing sentencing guidelines and recommending their adoption by the Supreme Court. Neb. Rev. Stat. §47-624.

**C. Philosophy**

The philosophy of the Community Corrections Council is that criminal sentences should be imposed fairly, rationally and consistently; public safety should be promoted; and incarceration should be reserved for the most serious offenders.

## **Article III Membership**

### **A. Composition**

The membership of the Council is set by statute in the Community Corrections Act and consists of 13 voting members and 7 non-voting members. Neb. Rev. Stat. §47-623.

### **B. Membership by position**

The thirteen voting members of the Council are listed below:

- The executive director of the Nebraska Commission on Law Enforcement and Criminal Justice;
- The Director of Correctional Services;
- The chairperson of the Board of Parole;
- The Parole Administrator; and
- Nine members appointed by the Governor with the approval of a majority of the Legislature, consisting of: One representative from a list of persons nominated by the Nebraska Criminal Defense Attorneys Association; one representative from a list of persons nominated by the Nebraska County Attorneys Association; one full-time officer or employee of a law enforcement agency; one mental health and substance abuse professional; from each congressional district, one provider of community-based behavioral health services; and two at-large members.

The Council also includes the following 7 nonvoting members:

- The State Court Administrator;
- The probation administrator;
- Two members of the Legislature, appointed by the Executive Board of the Legislative Council;
- Two judges of the district court, appointed by the Chief Justice of the Supreme Court; and
- The chief executive officer of the Department of Health and Human Services or his or her designee.

The terms of office for the 9 members appointed by the governor shall initially be three years. Upon completion of the initial terms of such members, the Governor shall appoint (a) a representative from law enforcement, a mental health and substance abuse professional, and one at-large member for terms of one year, (b) a representative of the Nebraska Criminal Defense Attorneys Association, one provider of community-based behavioral health services

from the first congressional district, one provider of community-based behavioral health services from the third congressional district, and one at-large member for terms of two years, and (c) a representative of the Nebraska County Attorneys Association and a provider of community-based behavioral health services from the second congressional district for terms of three years. Succeeding appointees shall be appointed for terms of three years. Neb. Rev. Stat. §47-623.

#### **C. Vacancies**

An appointee to a vacancy occurring from an unexpired term shall serve out the term of his or her predecessor. Members whose terms have expired shall continue to serve until their successors have been appointed and qualified. Neb. Rev. Stat. §47-623(3).

#### **D. Compensation**

The members of the council shall be reimbursed for their actual and necessary expenses incurred while engaged in the performance of their official duties. Neb. Rev. Stat. §47-623(5).

### **ARTICLE IV OFFICERS**

#### **A. Council Officers**

The council shall by majority vote elect from its membership a chairperson, vice-chairperson and such other offices as it may designate. Neb. Rev. Stat. §47-623(4).

#### **B. Elections**

All council members are eligible to vote for and serve as officers. Nominations for officers shall be solicited at the meeting prior to the expiration of the current officer's term, or as soon thereafter as practical. Election of officers shall be conducted by written ballot at the first meeting after the expiration of the term of the sitting Chair or Vice-chair. No member may hold more than one office at a time.

#### **C. Powers and Responsibilities**

The chair of the Council shall have the following duties:

- Preside at each of the meetings of the Council
- Keep Council members informed of matters pertinent to their responsibility
- Set the agenda for full Council meetings

- Represent the Council and be spokesperson for the Council at governmental, community, or other meetings, or designate another Council member in the Chair's absence
- Sign letters and other official documents on behalf of the Council.

It shall be the Vice Chair's responsibility to carry out all duties of the Chair in the Chair's absence

#### **D. Officer Terms**

Officers shall serve a two year term of office and may serve successive terms upon re-election by the Council. Terms of office shall begin at the close of the meeting at which officers are elected. Officers whose terms have expired shall continue to serve until a replacement has been elected.

### **ARTICLE V MEETINGS**

#### **A. Regular Meetings**

Meetings shall occur regularly at locations and times as scheduled, with a frequency of at least one meeting every three months. If it becomes known in advance of a scheduled meeting that a quorum will not be reached, the chair may cancel the meeting after providing notice to Council members and the public.

#### **B. Quorum**

The presence of a majority of Council members and a majority of voting members shall constitute a quorum for the transaction of business. Unfilled vacancies on the Council shall not count towards the quorum requirement.

#### **C. Attendance**

It is expected that members will make every attempt to attend Council meetings. Attendance will be recorded at each meeting and published in the minutes. If a member knows he or she will be unable to attend a meeting, the member must inform staff of his or her absence prior to the meeting.

#### **D. Designees**

Members may not send a designee to take their place at the Council table unless specifically authorized to do so by statute. The name of any permanent designee must be provided to Council staff in advance of the designee's participation in Council activities.

**E. Council Decisions**

Unless otherwise specified in this administrative operations policy, decisions shall be made by majority vote of the voting members present at any scheduled Council meeting in which a quorum is present, with a minimum of six votes required to adopt a motion. If all 13 voting members are present, a majority of seven votes is required. Non-voting members cannot participate in decisions which exercise a statutory duty of the Council, including the approval of the expenditure of funds. Non-voting members are allowed to participate in the election of the chair and vice-chair of the Council, which shall be determined by majority vote of the entire Council. Neb. Rev. Stat. 47-623(4).

**F. Motions**

All members have the power to make and second motions, regardless of whether they have the ability to vote on said motion, except for a motion to adjourn. A motion to adjourn must be made and seconded by a voting member of the Council

**G. Process**

Consensus shall be used as the operational decision making process whenever possible. However, the rules contained in the most current edition of *Robert's Rules of Order*, revised, shall govern Council meetings except in instances of conflict between the rules of order and the administrative operations policy of the Council or provisions of law.

**H. Public Access and Communications**

All meetings of the Council and any of its subcommittees, except those closed sessions permitted by law, are open to the public. All meetings shall conform to the Open Meetings Act, including requirements relating to notice of meetings, preparation and distribution of agendas, posting of the Open Meetings Act at meetings, and the taking and publication of minutes. Council meeting schedules, minutes and updates will be posted on the Community Corrections website at [www.ccc.nebraska.gov](http://www.ccc.nebraska.gov). Neb. Rev. Stat. § 84-1407 to 84-1414 (2008, Supp 2009)

## **ARTICLE VI COMMITTEES**

**A. Purpose**

To expedite and facilitate the business of the Council and the orderly and efficient consideration of matters coming before it, the following subcommittees are established. Additional standing committees may be established by a vote of the Council at a regularly scheduled meeting.

**B. Justice Behavioral Health Committee**

The Justice Behavioral Health Committee (JBHC) consists of representatives from Nebraska's criminal justice and behavioral health systems, including the 4 behavioral health professionals sitting on the Council. The purpose of JBHC is to create, review and facilitate the implementation of standards for substance abuse and mental health evaluations and treatment for the criminal justice population. The committee examines the availability of substance abuse and mental health treatment for offenders statewide, reviews curriculum and training standards for professionals providing treatment services to the criminal justice population and makes recommendations to the Council regarding subjects within its area of expertise.

**C. Subcommittee Membership**

Subcommittees shall be comprised of members of the Council, Council staff and ex officio members as appropriate. The sub-committee chair shall be selected by members of the sub-committee. Any Council member can be a member of any sub-committee. Subcommittees shall receive staff support from Council staff.

**D. Subcommittee Chair's Powers and Duties**

It shall be the Subcommittee Chair's responsibility to:

- Hold at least one meeting every quarter or as appropriate
- Coordinate with the Executive Director to set the agenda and preside at the meetings
- Address the goals and objectives of the standing committee
- Report committee activities, progress, outcomes, and issues to the Council

**ARTICLE VII ACTIONS IN THE NAME OF THE COUNCIL**

No member of the Council shall have the power to bind the Council, nor act in its behalf, nor use its name, unless official sanction is granted by the Council at a regular or special meeting.

**ARTICLE XIII AMENDMENTS TO THE ADMINISTRATIVE OPERATIONS POLICY**

The Administrative Operations Policy may be amended only by a majority vote of the voting members present at any regular meeting of the Council in which a quorum is present, provided that the amendment does not conflict with or exceed the authority granted the Council by

Community Corrections Act, as amended, and provided further that the amendment has been presented in writing by a member and is on the published meeting agenda.

### **ARTICLE IX EFFECTIVE DATE**

The Administrative Operations Policy shall take effect immediately on passage by a majority of the voting members of the Council.